

REMARKS

This Amendment is being filed in response to a first Office Action mailed May 3, 2005.

Claims 1-11 and 17-22 are pending in the application. Claims 17-22 have been withdrawn without prejudice to refiling. Claims 12-16 have been canceled without prejudice to refiling. Claims 1-16 stand rejected. Claims 4 and 9-12 stand objected to. Claim 13 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Claims 1-7, 9, and 12-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Brown (U.S. Patent 5,280,661). Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown. Claims 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Wilkman (U.S. Patent 6,305,531). Claims 1-11 are being amended. Claims 12-16 are being canceled to expedite prosecution in this application. Applicants reserve the right to reintroduce these claims in a continuing application. Upon entry of this amendment, claims 1-11 will remain pending. No new matter is being introduced by way of the amendments. Applicants respectfully request reconsideration of the application in view of the amendments and remarks herein.

With regard to the objected to claims 4 and 9-12, Applicants have amended claims 4 and 9-11 to overcome the objections. Applicants have amended claims 4 and 9 to clarify the language as recommended in the Office Action. Claims 10 and 11 have been amended to clarify the language. Claim 12 has been cancelled. Accordingly, Applicants respectfully request that the objections to claims 4 and 9-12 be withdrawn.

With regard to the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Brown, Applicants are amending claim 1 to recite that the eye wipe comprises, "material forming one cavity with one opening configured to receive a finger."

In contrast, Brown discloses a digital wipe device that is suitable to clean eyeglass lenses. The digital wipe device includes a pair of sheaths 14, 16 each sized to hold a finger or thumb. The sheaths are configured to receive an interconnecting flexible member 24 extending between

the opposed open ends of the sheaths. Wiping sheets 26 are connected by stitching to the opposed sheaths along the flexible member. In all configurations of Brown's digital wipe device, there are exactly two cavities (i.e., two sheaths). Brown does not disclose "material forming one cavity with one opening configured to receive a finger," as recited in Applicants' amended claim 1, nor would one expect Brown to have disclosed such an embodiment because eyeglass lenses have two sides to clean and the process of cleaning eyeglass lenses is improved by applying wiping pressure on the two sides in an equally opposing manner using a finger and thumb. Having "material forming one cavity and one opening adapted to receive a finger" as recited in Applicants' amended claim 1 would not provide the advantages provided by Brown for applying two-sided pressure to eyeglass lenses for cleaning the eyeglasses.

Moreover, as also recited in now amended claim 1, Applicants' material is "shaped, with a finger inserted therein, to fit in a region of an eye near its tear duct." Thus, Applicants' invention as recited in amended claim 1 is directed to cleaning a single-sided surface (e.g., skin near an eye) and not directed to cleaning an inanimate object (e.g., eyeglass lenses) on two sides. Further, Brown discloses a digital wipe device that has wiping sheets 26 that are generally flat for cleaning eyeglass lenses on two sides. A flat shape is not suitable to fit near an eye duct due to a curvature in the shape of a face near the eye duct. And, because Brown's digital wipe has two finger pockets connected by an interconnecting flexible member 24, it is cumbersome and therefore not suitable to use near an eye.

For all of these reasons, Applicant respectfully submits that Brown is not anticipatory prior art of amended claim 1. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Claims 2-7 and 9, which depend from claim 1, should be allowable for at least the same reasons as claim 1.

With regard to the rejection of claim 12 under 35 U.S.C. § 102(b) as being anticipated by Brown, Applicants respectfully submit that the rejection is moot in view of the cancellation of claim 12. Accordingly, Applicants respectfully request that the rejection of claim 12 under 35 U.S.C. 102(b) be withdrawn.

Claims 13-15 have also been canceled, and thus the rejections are now moot.

With regard to the rejection of claims 8 and 16 under 35 U.S.C. § 103(a), because claim 8 depends from claim 1, the argument above applies. Thus, because claim 1 is not rejected under 35 U.S.C. § 103(a), claim 8 should be allowed for at least the same reasons as claim 1.

Accordingly, Applicants respectfully request that the rejection of claims 8 under 35 U.S.C. § 103(a) be withdrawn. Because claim 16 is canceled, its rejection is now moot.

With regard to the rejection of claims 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Wilkman, Applicants respectfully submit that the neither Brown nor Wilkman, alone or in combination, teaches or suggests Applicants invention as amended in claim 1 as described above. Accordingly, the rejection of dependent claims 10 and 11 should be withdrawn for at least the same reasons as claim 1 from which they depend.

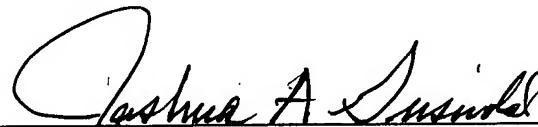
Conclusion

In view of the above, it is believed that the application is in order for issuance. Should the Examiner have any further questions or comments, the Examiner is invited to call the Applicants' representative at the phone number provided below.

Enclosed is a \$225 check for the Petition for Two-Month Extension of Time fee. Please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: 10/3/05



Joshua A. Griswold
Reg. No. 46,310

Fish & Richardson P.C.
1717 Main Street
Suite 5000
Dallas, Texas 75201
Telephone: (214) 292-4034
Facsimile: (214) 747-2091